

SCHEDULE 1

Amendments to the Competition Act 1998

53.—(1) Schedule 8 (appeals) is amended as follows.

(2) Before sub-paragraph (1) of paragraph 3 there is inserted—

“(A1) This paragraph applies to any appeal under section 46 or 47 other than—

- (a) an appeal under section 46 against, or with respect to, a decision of the kind specified in subsection (3)(g) or (h) of that section, and
- (b) an appeal under section 47(1)(b) or (c).”.

(3) Paragraph (2)(c) of paragraph 3 shall cease to have effect.

(4) After paragraph 3 there is inserted—

“**3A.**—(1) This paragraph applies to—

- (a) any appeal under section 46 against, or with respect to, a decision of the kind specified in subsection (3)(g) or (h) of that section, and
- (b) any appeal under section 47(1)(b) or (c).

(2) The Tribunal must, by reference to the grounds of appeal set out in the notice of appeal, determine the appeal by applying the same principles as would be applied by a court on an application for judicial review.

(3) The Tribunal may—

- (a) dismiss the appeal or quash the whole or part of the decision to which it relates; and
- (b) where it quashes the whole or part of that decision, remit the matter back to the OFT with a direction to reconsider and make a new decision in accordance with the ruling of the Tribunal.”.

Changes to legislation:

There are currently no known outstanding effects for the The Competition Act 1998 and Other Enactments (Amendment) Regulations 2004, Paragraph 53.